

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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DAVID AVELAR, FRANKLIN PAREDES and
OSCAR VELASQUEZ,

Plaintiffs,

ADOPTION ORDER
13-cv-7017 (ADS)(AYS)

-against-

ED QUIROS, INC., STUCCO OF THE
HAMPTONS, INC., and ED QUIROS, in his
individual capacity,

Defendants.

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APPEARANCES:

Delvis Melendez, Esq.
Attorney for the Plaintiffs
90 Bradley Street
Brentwood, NY 11717

NO APPEARANCE:

The Defendants Ed Quiros, Inc.; Stucco of the Hamptons, Inc.; and Ed Quiros, in his individual capacity

SPATT, District Judge.

On December 10, 2013, the Plaintiffs David Avelar, Franklin Paredes, and Oscar Velasquez, on behalf of themselves and others similarly situated, (collectively the “Plaintiffs”) commenced an action pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, and New York Labor Law (“NYLL”) against the Defendants Ed Quiros, Inc., Stucco of the Hamptons Inc., and Ed Quiros, in his individual capacity (collectively the “Defendants”).

On April 17, 2014, the Clerk of the Court noted the default of the Defendants.

On April 21, 2014, the Plaintiffs moved for a default judgment.

On May 13, 2014, the Court referred this matter to United States Magistrate Judge Gary R. Brown for a recommendation as to whether the motion for a default judgment should be granted, and if so, (1) whether damages should be awarded, including reasonable attorney's fees and costs, and (2) whether any other relief should be granted.

On February 26, 2015, Judge Brown issued a Report recommending that the Plaintiffs' motion for a default judgment be granted and that the motion for damages be denied with leave to renew.

On March 17, 2015, the Plaintiffs filed a renewed motion, albeit without a notice of motion, for damages. More than fourteen days have elapsed since service of the Report and Recommendation on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the February 26, 2015 Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. See Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Mgmt. Cooperation, Pension & Welfare Funds v. C. Downing Enterprises LLC, No. 14-CV-323 (ADS)(AKT), 2015 WL 1042481, at *1 (E.D.N.Y. Mar. 10, 2015)(reviewing Report and Recommendation without objections for clear error).

Accordingly, Judge Brown's Report and Recommendation dated February 26, 2015 is adopted in its entirety. The Clerk of the Court is respectfully directed to terminate Docket No. 9. The Plaintiffs' renewed motion for damages is referred to United States Magistrate Judge Anne Y. Shields for a Report and Recommendation.

SO ORDERED.

Dated: Central Islip, New York
March 18, 2015

Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge